

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.1467 OF 2007

Santosh Dattaram Khopkar. ...Applicant.
Versus
The State of Maharashtra ...Respondent.

.....
Mr.A.B.Vagyani, Adv. for the Applicant.
Mr.K.V.Saste, APP, for the State.
.....

CORAM : SMT.V.K.TAHILRAMANI, J.
DATED : 21st June, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking anticipatory bail in C.R.No.35 of 2007 of Khed Police Station, District - Ratnagiri. The said case is under Sections 323, 341, 392, 394, 397, 504, 506 read with 34 of IPC.

3. The complainant is the husband of sister of applicant-accused, i.e. complainant and the applicant are brothers-in-law. On 22.3.2007 the complainant severely beat his wife Minakshi i.e. sister of the applicant and drove her out of the house. Minakshi sustained injuries. Minakshi then walked a distance of 30 kms. to 35 kms.

from village Bhelsai and she somehow came to village Lavel. The villagers there gave her some food and some money and then she came to village Khed. The applicant resided at Khed. On account of this the applicant visited village of the complainant, but, the complainant beat the applicant as well.

4. Minakshi then visited Khed police station on 24.3.2007 at 7:30 p.m. and lodged complaint. The applicant also lodged a complaint with Khed police station that the present complainant beat him, abused him and threatened him. The fact that there was quarrel between the complainant and Minakshi and that thereafter the complainant beat Minakshi is admitted by the complainant. However, it is his case that on account of assault she left the house without telling him. It is the case of the complainant that on 24.3.2007 at 7:30 a.m. when he was proceeding to his shop on scooter the present applicant obstructed his scooter and beat him with bamboo on his legs. On account of this, he sustained injuries. It is further the case of the complainant that the applicant who is his brother-in-law threatened him and took his chain, mobile phone and cash. This is clearly a dispute

between the brothers-in-law. The incident has arisen on account of the complainant assaulting the sister of the applicant. The value of the property which has alleged to have been robbed is Rs.15,500/-. Mr.Vagyani, the learned Advocate for the applicant on instructions from the applicant who is present in Court, states that the applicant is willing to deposit the amount of Rs.15,500/- in the trial Court i.e. Sessions Court at Khed. The statement is accepted. The amount be deposited within 20 days from today.

5. In this view of the matter, I am inclined to grant anticipatory bail to the applicant.

6. In the event of arrest, the applicant - Santosh Dattaram Khopkar to be released on bail in the sum of Rs.15,000/- with one or two sureties to make up the said amount. The applicant shall report to Khed Police Station for five days starting from 26.6.2007 from 11:00 a.m. to 2:00 p.m.; and thereafter once in a month, till conclusion of the trial.

7. The applicant to deposit Rs.15,500/- as stated by him within 20 days from today. It is

..(4)..

made clear that the deposit of amount of Rs.15,500/- by the applicant shall not be construed as an admission of his guilt on his part or indicative of his involvement in the said case in any manner. At the end of the trial, the learned trial Court shall pass appropriate orders in respect of the amount of Rs.15,500/- deposited by the applicant before the trial Court.

8. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI, J.)